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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,719	04/09/2004	Choei Chiu	MR1035-1447	8995

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT PAPER NUMBER

2688

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,719

Applicant(s)

CHIU, CHOEI

Examiner

Jean A. Gelin

Art Unit

2688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 11 is objected to because of the following informalities: the phrase "comprising;" should be -- comprising: --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US Pat. 6,418,330).

Regarding claim 1, Lee teaches a telecom ring tone method, comprising: a user connects to a telecom switch (caller 100 connects to switch exchange 110); a home location register in the telecom (i.e., inherently the exchange should recognize the caller prior to establishing a communication path between the caller and a database) switch verifies a caller is a registered user (col. 3, lines 7-35); if the caller is registered, the telecom switch connects to an added-service server (i.e., caller is connected to database to retrieve ring tone, col. 3, lines 7-35); the added-service server processes settings for the registered user (col. 3, lines 7-67); and when a call is made and before the call is connected a ring tone according to the registered user's settings is played (col. 2, lines 1-8, col. 3, line 7 to col. 5, line15).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Chin et al. (US 2005/0221793).

Regarding claim 1, Lee teaches comprising: the user selects a desired ring tone and related ring tone properties in the added-service server (col. 4, lines 51-67).

Lee does not specifically teach a user connects to a common service server; the user registers with the common service server; the common service server uploads registration data to the home location register in the telecom switch; the common service server connects to the added-service server.

However, the preceding limitations are known in the art of communications. Chin teaches an HLR to verify the legitimacy, to support subscriber feature, and to provide information for authenticating subscribers of the system (paragraphs 23-26), the HLR is connected to an MSC corresponding to a common server (i.e., the MSC provides information to HLR for updating purpose or verifying if the subscriber has active customized ring back tone service in its profile at the HLR, if yes calls to subscribers are connected to an external custom ring back tone, paragraphs 27-32). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Chin within the system of Lee in order to provide ring tone

or back tone service such that subscribers can hear customized ring tone when receiving or transmitting calls.

Regarding claims 3, 12, Lee in view of Chin teaches all the limitations above. Chin further teaches the user connects to the common service server via a telecom network (paragraph 22).

Regarding claims 4, 13, Lee in view of Chin teaches all the limitations above. Chin further teaches the telecom network comprises a public telecom network, a cable network, a radio network, a satellite network, an optical cable network, or a cable television network (paragraph 22).

Regarding claims 5, 14, Lee in view of Chin teaches all the limitations above. Chin further teaches the common service server connects to the added-service server via a telecom network, a network, a computer network, or an internet (paragraphs 22-23).

Regarding claims 6-7, and 15-16, Lee in view of Chin teaches all the limitations above. Lee further teaches the related ring tone properties comprise group settings, priority settings, advanced services settings, random tone settings, third-party vendor settings, and service control settings (col. 4, line 49 to col. 5, line 27).

Regarding claims 8, 17, Lee in view of Chin teaches all the limitations above. Lee further teaches whereby when a member of a group calls the registered user or the registered user calls a member of the group, the desired ring tone is played (col. 4, line 49 to col. 5, line 27).

Regarding claims 9, 18, Lee in view of Chin teaches all the limitations above. Lee further teaches whereby the added-service server comprises an audio database of ring tones from which the registered user can select desired ring tones (col. 5, lines 37-52).

Regarding claims 10, 19, Lee in view of Chin teaches all the limitations above. Lee further teaches the desired ring tone comprises music, dialogue, advertising, holiday music, audio data, and audio data recorded by the registered user (col. 2, lines 1-8).

Regarding claim 11, the claim contains all the limitations of claim 1 and 2. Therefore, the claim is rejected for the same reasons as set forth above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fogel	US 2005/0143054	06/30/2005
Synder	US 2005/0107075	5/19/2005
Vandermeijden	US 2004/0067751	08/31/2001
Koser et al.	US 2004/0032946	02/19/2004
Yamada et al	US 2002/0058521	05/16/2002
Boyd	US 2005/0164746	07/28/2005
Cadiz	US 2004/0235520	05/20/2004
Deeds	US 2004/0204146	10/14/2004

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
January 14, 2006

JEAN GELIN
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Jean Allard Gelin".